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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 22nd March, 2013:—

I

BILL NO. I OF 2013

A Bill to provide for compulsory registration of callers using public telephone booths for making calls in the interest of national security and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Registration of Callers using Public Telephone Booths Act, 2013.

Short title,
extent and
commencement

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Public Call Office (PCO)" means a telephone facility located in a public place through manned or coin operated payphone;

(b) "prescribed" means prescribed by rules made under this Act.

(c) words and expressions used but not defined in this Act but defined in the Indian Penal Code, 1860, the Indian Telegraph Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts.

45 of 1860.
13 of 1885.
21 of 2000.

Registration
of callers
using PCOs.

3. (1) It shall be the duty of every PCO owner or his representative to obtain a copy of a valid identity proof from every caller using their services and to maintain a record of callers and numbers called upon by them in such manner as may be prescribed.

Explanation.—For the purpose of this section, the expression "valid identity proof" includes—

(i) valid passport; or

(ii) voter identity card; or

(iii) any photo identify card issued by the State Governments or the Central Government or State or Public Sector Undertakings or Banks.

(2) Every owner of a PCO or the service provider as the case may be shall depute a person to maintain record of callers using coin operated payphone in such manner as may be prescribed.

(3) Every owner or his representative or the service provider of a PCO shall furnish the records of the callers, as mentioned in sub-sections (1) and (2) of section 3, to Government security or intelligence agencies or the police department on demand.

Penalty.

4. Any person who contravenes the provisions of section 3 of this Act shall be punished with fine which may extend to rupees ten thousand for the first violation and upto rupees twenty thousand for second and subsequent violation.

Overriding
effect of the
Act.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, for the time being in force regulating public call office.

Act not to be
in derogation
of any other
law.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There has been a sharp increase in number of fake or hoax calls made from Public Call Office (PCO) for spreading false information related to militancy and for threatening, abusing and sexual harassment, etc. It is a very serious security concern for our nation. This is adversely affecting the activities of police force and disrupting public services.

Several people call from PCOs, some, however, misuse the service for making false or hoax calls. When such fake calls are made from PCOs, police swings in action to locate such PCOs, but it takes some time for them to locate and reach there and anti-social elements find enough time to escape from the site of PCO, leaving police forces helpless for want of callers' details.

In order to curb false or hoax calls, it is felt that it should be made compulsory for all PCO owners to maintain a record of callers with sufficient proof of identification along with the details of number called.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

II**BILL NO. VII OF 2013**

A Bill to provide for establishment of an authority for rehabilitation and welfare of persons living around railway tracks and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “around railway tracks” means the land area extending upto twenty five meters on both sides of the railway tracks and includes land of such villages which are close to the site of railway tracks;

(b) "authority" means the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks established under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification, in the Official Gazette, establish an authority to be known as the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks for carrying out the purposes of this Act.

Establishment of the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks.

(2) The authority shall consist of,—

(a) the Union Minister of Railways Chairperson, *ex-officio*;

(b) twenty-eight members representing each of the States to be nominated by the Central Government in consultation with the concerned State Governments;

(c) twelve members representing the persons living around railway tracks for a period of not less than ten years, to be appointed by the Central Government in such manner as may be prescribed;

(3) The salary and allowances payable to, and other terms and conditions of service of members of the authority shall be such as may be prescribed by the Central Government.

(4) The headquarters of the authority shall be at New Delhi.

(5) The authority shall establish its offices in the capital city of every State and Union Territory.

(6) The Central Government shall provide such number of officers and other employees to the authority, as may be necessary, for the purposes of this Act.

(7) The qualifications and experience, terms of office and allowances of the officers and employees of the authority shall be such, as may be prescribed.

4. (1) The authority shall formulate a policy to provide for such measures, as may be necessary, for the rehabilitation and welfare of persons living around railway tracks.

Functions of the authority.

(2) The authority shall provide to the persons living around railway tracks such facilities, free of cost, namely:—

(i) dwelling units at alternate sites, in case their land is acquired by the Central Government.

(ii) free educational facilities to the dependent children;

(iii) drinking water and sanitation facilities; and

(iv) healthcare facilities.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

6. The authority shall prepare once in every calendar year in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the President of India who shall cause the same to be laid before both the Houses of Parliament.

Annual report.

7. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Overriding effect of the Act.

Power to
remove
difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such order or give such directions, not inconsistent with the provisions contained in this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Several persons come to big cities in search of livelihood as scant opportunities exist in their native villages. They are forced to stay back in the big cities and most of them have to live around the railway tracks as they do not have the means to afford the expenses of living in big cities and they also have a burden on their shoulders to send some money out of their earnings to their families back home. In such a scenario, they are forced to live in sub-human conditions. Due to lack of civil amenities like latrines, they are forced to defecate in the open in all types of weather, i.e., scorching heat or rain. They do not have access to drinking water and have to travel a long distance to fetch water for daily needs. Moreover, they have to live in deprivation of educational facilities for their children and healthcare centres for their families. Since ours is a welfare state, it is the duty of the Government to take care of its citizens who are not in a position to take care of themselves. Thus, there is a dire need to protect and rehabilitate the affected persons living around railway tracks.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Authority for the rehabilitation and welfare of persons living around railway tracks. It further provides for salary and allowances payable to the members, officers and employees of the National Authority. Clause 4 provides for certain welfare measures to the people living around railway tracks. Clause 5 provides for payment of funds to the Authority by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two thousand crore will be involved. A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of a normal character.

III

BILL NO. III OF 2013

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2013.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 72.

2. In article 72 of the Constitution, in clause (1), the following provisos shall be inserted, namely:—

"Provided that the President shall exercise the powers granted under this article within a period of one year after the petition to grant pardons etc. is presented to him:

Provided further that in the case of non-exercise of powers by the President within the period of one year, the judgment of the court in respect of the petitioner shall be enforced immediately".

STATEMENT OF OBJECTS AND REASONS

India is one of the largest democracies in the world. It achieved freedom in 1947 from the British rule after a prolonged struggle and sacrifice of sons of the soil. Constitution of India was drafted keeping in view the welfare of the citizens. Though the utmost care was taken while drafting the Constitution, over the years there have been occasions when need arose for amending the Constitution to keep pace with the changing scenario in the country.

One such case in point is the Powers conferred upon the President under article 72 of the Constitution which empowers the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. Though, the President has been bestowed with absolute powers in this regard, no time limit has been fixed for the President within which such power has to be exercised. As a result the mercy petitions made before the President keep piling for long period without any decision. As a fall out of this, the convicts are to be kept guarded in jails and heavy expenditure is incurred upon them which is tax payers money and a drain on national exchequer. In the present situation, attempts are being made both externally and internally to hurt severely harmony and vibrancy of our civil society and we are continuously facing probable terrorist attack. It is high time to curb anti-national activities and for that, if death penalty is awarded to a person by any court after considering the circumstances which led them to reach such a decision based upon the gravity of the crime and such person files mercy petition before the President of India, the President should take decision on such mercy petition within one year time period in order to send a strong signal among anti-nationals.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA

SHUMSHER K. SHERIFF,
Secretary-General.